

HMK/jb GA 7921

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREAT AMERICAN INSURANCE
COMPANY OF NEW YORK,

Plaintiff,

07 CIV 6421 (PAC)(THK)
ECF CASE

-against-

ADVANCE OCEAN INC., NIPPON YUSEN
KAISHA, NYK LINE (NORTH AMERICA)
INC., BURLINGTON NORTHERN SANTA FE
CORPORATION, BNSF RAILWAY COMPANY,
THE BURLINGTON NORTHERN AND SANTA
FE RAILWAY COMPANY

**AMENDED
COMPLAINT**

Defendants.

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Plaintiff by its attorneys KINGSLEY KINGSLEY & CALKINS alleges for its
complaint herein:

1. Plaintiff is an insurer existing under the laws of the State of New
York which provided insurance coverage herein. Plaintiff's assured, Maclean
Power Systems, was the owner of a cargo of insulators shipped on defendants'
railroad.

2. Defendants are operators of a railroad doing business as common
carriers by rail in interstate commerce, and governed by 49 U.S.C. 11706.

3. This Court has jurisdiction under 28 U.S.C. 1337.

4. Plaintiff sues for damage to a cargo of insulators moving from
Elwood, Illinois to Los Angeles shipped in containers TRIU535326-1;
NYKU632090-5; TRIU550468-7; TRLU6390080; NYKU602297-9 and

NYKU630810-8, delivered for shipping at Elwood July 12, 13, 14, 2006.

5. The damages suffered total \$165,053.04, which was paid by plaintiff under its policy of insurance, and for which plaintiff is duly subrogated.

WHEREFORE, plaintiff demands judgment in the amount of \$165,053.04 plus interest from the date of loss.

Dated: August 21, 2007

KINGSLEY KINGSLEY & CALKINS
Attorneys for Plaintiff

BY: /S/ _____
HAROLD M. KINGSLEY
91 West Cherry Street
Hicksville, New York 11801
(516) 931-0064
hmk@kingsleyandkingsley.com